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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,398

03/12/2004

John M. Belcea

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07/06/2006

MOTOROLA, INC
INTELLECTUAL PROPERTY SECTION
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EXAMINER

LE, DANH C

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,398

Applicant(s)

BELCEA, JOHN M.

Examiner

DANH C. LE

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

- 1. Claims 1-5, 7-12, 14-10, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto (US 2003/0037110).**

As to claim 1, Yamamoto teaches the method for determining desired physical locations of reference points for use in identifying geographic locations of mobile terminals in a wireless network (figures 1, 10, 13 and their descriptions), the method comprising:

inputting information pertaining to a plurality of reference terminals in the wireless network, the information including respective location information for each of the reference terminals; and

generating, based on the input information, a visual display illustrating the locations of the reference terminals, along with a visual indication representing expected accuracy in geo-location calculations for determining respective geographic locations of the mobile terminals in the network.

As to claim 2, Yamamoto teaches the method as claimed in claim 1 (figures 1, 10, 13 and their descriptions), wherein:

the input information includes map parameters; and

the generating step generates the visual display which includes a map display that is generated based on the map parameters with the respective locations of the reference terminals and the visual indication of expected accuracy being included on the map display.

As to claim 3, Yamamoto teaches the method as claimed in claim 1 (figures 1, 10, 13 and their descriptions), wherein:

the information includes respective longitude, latitude and altitude information of each of the respective reference terminals; and

the visual display of the locations of the reference terminals is generated based on the longitude, latitude and altitude information.

As to claim 4, Yamamoto teaches the method as claimed in claim 1 (figures 1, 10, 13 and their descriptions), wherein:

the information includes signal propagation information indicating respective maximum distances at which signals emitted from the respective reference terminals can propagate; and

the visual indication representing the expected accuracy in geo-location calculations is generated based on the signal propagation information.

As to claim 6, Yamamoto teaches the method as claimed in claim 1 (figures 1, 10, 13 and their descriptions), further comprising:

modifying the input information pertaining to at least one of the reference terminals; and

modifying the visual display and visual indication based on the modified input information.

As to claim 7, Yamamoto teaches the method as claimed in claim 1 (figures 1, 10, 13 and their descriptions), wherein:

the inputting step includes inputting the information via a computer; and
the generating step generates the visual display on a display screen of a computer.

As to claim 8, the claim is a computer software claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 9, the claim is a computer software claim of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 10, the claim is a computer software claim of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 11, the claim is a computer software claim of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 12, the claim is a computer software claim of claim 5; therefore, the claim is interpreted and rejected as set forth as claim 5.

As to claim 14, the claim is a computer software claim of claim 7; therefore, the claim is interpreted and rejected as set forth as claim 7.

As to claim 15, the claim is a system claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 16, the claim is a system claim of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 17, the claim is a system claim of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 18, the claim is a system claim of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 19, the claim is a system claim of claim 5; therefore, the claim is interpreted and rejected as set forth as claim 5.

As to claim 21, the claim is a system claim of claim 7; therefore, the claim is interpreted and rejected as set forth as claim 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6, 13, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizui.

As to claim 6, Yamamoto teaches the method as claimed in claim 1, the wireless network includes the reference terminals and mobile terminals are fixed, Yamamoto fails to teach the mobile node and an ad-hoc peer-to-peer wireless network. However, the examiner takes Official Notice that the mobile node and an ad-hoc peer-to-peer wireless network are known the art. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to provide the teaching of the mobile node and an ad-hoc peer-to-peer wireless network into the system of Yamamoto in order to enhance the system performance of the mobile terminal in which determining its location.

As to claim 13, the claim is a computer software claim of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

As to claim 20, the claim is a system claim of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Inaba et al (US 7,054,647) teaches position information system and dispatch supporting system.

B. Ogaki et al (US 2003/0073447) teaches position information transmitting device and position information transmitting and receiving system.

C. Reed et al (US 2003/0134648) teaches machine for providing a dynamic data base of geographic location information for a plurality of wires device and process making the same.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'danh', is written over a horizontal line.

June 25, 2006

DANH CONG LE

PRIMARY EXAMINER